

Table of contents

1. Introduction	2
2. Requirements to apply for presidency	2
3. Election process	3
3.1. Nomination process	3
3.1.1. Primaries	3
3.1.2. Caucuses.....	3
3.1.3. National Conventions.....	4
3.2. General election process.....	4
3.2.1. Campaigning.....	4
3.2.2. General election and electoral college.....	5
4. Systematic problems.....	5
4.1. Presidency although loosing popular vote	5
4.2. The inhabitants/electors ratio.....	7
4.3. Cost of Campaigning	8
4.4. Further problems	8
5. Elections in 2020	9
5.1. Democratic candidates.....	9
5.2. Republican candidates	10
6. Bibliography	11
6.1. Literature.....	11

1. Introduction

This paper deals with the presidential election process in the United States of America. The question might occur, why the election process of a country that claims democracy to be a prior ranking value has to be analysed. In this regard, one has to consider that the US took over the role of intervening in other countries in order to protect or establish democratic systems on these grounds in the past.

Having a look at the so called "Democracy Index", one recognizes that the United States is only ranked 25th with a total score of 7.96 out of 10 and it's regime type is only a "flawed democracy" whereas several European countries rank "full democracy", some even close to the 10 out of 10 total score (i.e.: Norway, 9.87/10).¹ The Index is based on five categories including (amongst others) the election process.

This is the place the president comes into play. The president of the United States is often called the most powerful person in the world and this is not without a reason. The system of "Checks and Balances" makes the president the main protagonist within the Executive branch. Compared to the German Chancellor, the president is not only head of government, but also head of state. He or she does not only have the right to veto laws passed by the House of Representatives but the past also shows that former presidents made use of it frequently. Another authority of the president is to appoint judges to the judicial branch, especially to Supreme Court. Lastly he is allowed to command armed forces not only in case of defence but also in case of a war of aggression triggered by the US.²

So the importance of analysing the election process derives from its "flawed democracy" rating and the systematic importance of the president.

2. Requirements to apply for presidency

The candidates' first step to make it into Primaries and Caucuses and to become a presidential candidate, is to meet the official requirements set by the constitution. To do so, a potential candidate will have to be a natural born citizen of the United States. In addition, he or she has to be at least 35 years old and has to be a resident for at least 14 years. The US constitution also features the 22nd Amendment that allows a maximum of only two legislative periods as president. This serves as protection against lifetime presidency that could eventually resemble a monarchy.³

The vice president who will be chosen later on during parties' National Conventions has to meet the same requirements as the president himself, but law prohibits a potential vice president to be from the same state as the presidential candidate.⁴

¹ <https://www.eiu.com/topic/democracy-index>

² https://3.bp.blogspot.com/-0J9KM2HSNrw/WJ4EHY0piyI/AAAAAAAAAEaA/if_EEc_icKMSPunEf3_ArIQggvzkuhZfgCLcB/s1600/94252526_us_govt_checks_balances_v02_624in%2B%2Bfrom%2BBBC%2B2-10-207.png

³ <https://www.usa.gov/election>

⁴ USA elections in Brief, p.12

3. Election process

[Grafik]

5

The whole election process can be distinguished into the candidate nomination process and the general election process. The visualized schedule is an example of the next presidential elections in 2020.

The candidate nomination process already started in 2019: Most candidates were announcing that they bid for President in the next elections. Since July those candidates have been preparing for Preliminary elections and Caucuses by taking part in debates. The beginning of 2020 will also be the beginning of Primary elections and Caucuses with the first being Iowa Caucus on February 3. With the end of National Conventions that will be held in July, the nomination process is over.

From then on, the single nominees try to win support amongst voters by debating as preparation for the general election on November 3. Voters will only vote for electors that day, so none of the single nominees will officially be declared as winner. Therefore, the electoral college has to meet on December 19 to elect a single nominee president officially. The winner of the electoral vote will be inaugurated on January 20 in 2021.⁶

3.1. Nomination process

Firstly, this paragraph will focus on the main part of the nomination process: Primary elections and Caucuses. Both processes lead to the election of delegates that later on ought to vote for a specific candidate during National Conventions.

Secondly, it will centre on National Conventions themselves.

3.1.1. Primaries

Primary elections are arranged by state and are therefore state-wide elections at so-called polling places. Depending on the state, the electorate consists of only registered voters or all citizens of the state having an elective franchise. Primaries are arranged in 34 states, i.e. California and Washington.

3.1.2. Caucuses

⁵ Own account

⁶ <https://www.usa.gov/election>

In contrast, Caucuses are arranged by parties and will take place on a communal level. Only party members are allowed to debate and cast their ballot for presidential candidates. In general, Caucuses are less popular because they require an effort from the voters in order to participate (see chapter 4.4.). Caucuses are common in 16 states, i.e. Alaska and Colorado.⁷

3.1.3. National Conventions

After the delegates have been elected in Primaries and Caucuses, they will travel to National Conventions of each party. If a candidate wants to become the single nominee of his party, he or she will have to win the support of the absolute majority within his or her party, which means at least 50% of the votes. If no candidate manages in doing so, debating will start again which could result in candidates resigning which will give his delegates the opportunity to vote for whoever they consider best as replacement. The National Conventions will only come to an end if the party decides for one single nominee. This presidential candidate chooses a potential vice president and starts to take part in presidential debates. The National Convention can thus be seen as the end of the nomination process.

In total, those National Conventions cost lots of money and effort and therefore one could argue why parties are not completing the candidate nomination online. The answer lies in the image: National Conventions are a great opportunity to do advertising on television and to convey unique selling points.⁸

3.2. General election process

The part of the elections that attracts international attention is mainly the general election process. It's also the part often criticized for being not completely democratic. This is why it's worth having a closer look at it:

3.2.1. Campaigning

Campaigning starts with National Conventions. It is shaped by lots of travel to win votes in many states, especially swing states. Social media was getting more important over the past years which can be seen in Trumps campaigning strategy. He's particularly affine to Twitter which made him gain lots of supporters during the 2016 elections.

Using this medium gave him the image of not being one of those detached presidents coming from political elitist background.⁹

Candidates are involved in debates, rallies and many TV-shows. The presidential debates are public and on radio, television and internet broadcasted debates, set up by the "Commission on Presidential Debates" (a non-profit organization under the joint sponsorship of Republican and Democratic parties). For the 2020 election, these presidential debates will take place in three American cities: Detroit in the State of Michigan, South Bend in Indiana

⁷ USA in Kürze Wahlen, p.22-25

⁸ <https://www.clearias.com/election-process-of-us-president/>

⁹ <https://www.clearias.com/election-process-of-us-president/>

and Nashville in Tennessee. In addition, there will be a vice presidential debate held in Salt Lake City, Utah.¹⁰

3.2.2. General election and electoral college

After the campaigning, candidates will (hopefully) have won popularity amongst voters. Still, if a citizen decides to vote on general election day (November 3, 2020), he or she does not cast his or her vote for the favourite candidate directly. Instead, he or she votes for electors of the party their favourite candidate is in. About one and a half months later, the electors will meet in electoral college to vote in favour of their parties' single nominee. Only after the electoral college that the candidate with most electoral votes is officially declared as new president, although the result are predictable and well-known even before the session of electoral college.

The electors are from all over the country. Each state is allowed to claim a certain amount of seats in electoral college. The number of representatives determined by several factors, but mainly the population of a state. The biggest share is made up by Californian electors (55), followed by Texan electors (38), while New York's (state) and Florida's electors rank third at 29 seats each. In total, the electoral college is composed of 538 electors. To win the electoral vote race, at least 270 of them (which equals the absolute majority) have to vote in favour of a presidential candidate.¹¹

[Grafik]

12

4. Systematic problems

This section will focus on systematic problems of the election process evolving when looking at it from a point of view shaped by democratic values.

4.1. Presidency although loosing popular vote

It only occurred four times in US-American history that a presidential candidate won the electoral vote, although he had not won the popular vote. The first time, Hayes won over Tilden in 1876 and the second time, Harrison won over Cleveland in 1888. It took a long time until the phenomenon appeared again in 2000, when Bush won over Al Gore, whilst it only took more 16 years until the last election when Trump won over Hillary Clinton. The most

¹⁰ https://upload.wikimedia.org/wikipedia/commons/2/20/Usa_edcp_location_map.svg

¹¹ <https://www.clearias.com/election-process-of-us-president/>

¹² Own account

striking information when looking closer at their parties is that only republican presidents lost popular vote.

[Grafik]

13

In my eyes, the main question that should come to ones' mind is why and how someone can become president in a country that claims itself to be democratic, although he did not win the popular vote.

The answer to this question lies in the first part of the general election process, thus the election of who will be sent to electoral college.

[Grafik]

14

To understand why, it's worth having a look at one of the four mentioned cases, so this paper will focus on the example case of Donald Trump. In the popular vote, Hillary Clinton ranked first by just .45 percent more than Trump. However, Trump was voted president by 306 electors while Clinton only got 232 votes. All in all, Trump won all the votes from 30 states, Clinton only those of 20.

The election of electors is a majority vote system called "winner-takes-all". So in the election, citizens cast their votes for different parties, but only the majority will be represented in electoral college later on. The opposing system called proportional representation makes sure, every single party is able to represent their voters if they meet a certain minimal required amount of voters. The "winner-takes-all" is done in all states, excluding Maine and Nebraska (each 3 seats "winner-takes-all" and the rest is distributed considering different districts within the state)

For example, the Democrats and therefore Clinton won California's general election by a landslide (approximately 62%) and therefore, all of the 55 seats in electoral college were manned by Democratic electors. That result could have been predicted since California has always been a "Democratic state" whereas Texas has always been a "Republican state". Nevertheless, there are states where the general election is often a close race, i.e. Florida. Those states are called "Swing-States" and they are especially important to presidential

¹³ https://kids.kiddle.co/images/thumb/3/3d/Electoral_college_win_popular_vote_lost_US_Presidents.png/629px-Electoral_college_win_popular_vote_lost_US_Presidents.png

¹⁴ <https://www.270towin.com/maps/bRgO>

candidates because by winning them (even by just a slight lead) the candidate wins all of the states' seats in electoral college, which in the case of Florida is a considerable amount of 29 electors. To conclude this, it's does not help much winning by a landslide in a few states, but winning swing states is the way to win the electoral vote even if approval rates amongst citizens might not be that high.¹⁵

So why do Americans want to stick with the "winner-takes-all" principle?

The first and also obvious answer is not to be neglected: Since the process is laid down in the American constitution, the constitution itself would have to be changed and like in many other countries it is very difficult to do so.

The only way it could be changed would be on one of the two big parties' initiative, but the principle benefits not only Republicans but Democrats as well because it prevents smaller parties from being represented in electoral college. Deriving from that fact, why should the two big parties change it, if it's beneficial for them?

Besides, there is a thing that US citizens like about the principle: It forces candidates not only to campaign but also to represent people from all over the country. In order to win the election, they have to fight for each and every vote because in the end it could make them win all the states' seats in electoral college.¹⁶

4.2. The inhabitants/electors ratio

[Grafik]

17

Earlier on I stated that the determination of how many seats will represent a state in electoral college considers the amount of inhabitants. This is only true to a certain extend, but the best way to find out more about the ratio is looking at two example states and calculating their inhabitants/electors ratio. This paper will feature Montana and Texas.

Montana might be a big state (approximately the same area as Germany) but is home to only 1.062 million inhabitants. In the next election, it will be represented by 3 electors in electoral college.

Texas does have a lot more inhabitants (28.7 million), so it's also allowed to claim more seats in electoral college: 38 in total.

¹⁵ Süddeutsche Zeitung, November 29, 2019, p.3

¹⁶ USA in Kürze Wahlen, p.35

¹⁷ <https://www.usa.gov/election>

After dividing the number of inhabitants by the number of electors, Montana's ratio at .354 million inhabitants per elector is only half of Texas ratio at .755 million inhabitants per elector. In plain language, the vote of someone from Montana is twice as "valid" as the vote of someone from Texas.

Personally, together with the "winner-takes-all" principle, I consider this to be a massive problem considering democracy because it does by no means correspond to main democratic values.¹⁸

4.3. Cost of Campaigning

The high cost and the funding of running for president are a controversial topic. Since presidential candidates have to campaign in many states, the race becomes very expensive. All in all, hiring staff, arranging for office space, travel, research, issuing position papers and advertising add up to multiple 100 millions of dollars.

The most obvious way for high net-worth individuals is to fund the campaign yourself. This had not been allowed until 2010, back when the Supreme Court decided that doing so is constitutional.

Still, there are only very few people who could afford such an expensive campaign. So the Federal Election Commission and the Supreme Court came up with other ways to fund a campaign. Since 1976, candidates have been eligible to participate in a public financing system through government funds. A major downside of this opportunity is that candidates have to agree on spending limits when participating in such funds. This is one reason why candidates are allowed to found political committees for fundraising. To prevent companies and high net-worth individuals from influencing the campaigning process too much, a donor has to establish a political action committee that are not allowed to contribute more than 5000 USD directly to a political action committee (PAC), but since the ruling of the Supreme Court in 2010, PACs are allowed to spend unlimited amounts of money to elect or defeat candidates as long as they do not do so in coordination with the candidates' campaign organization.

Last but not least, there is a section of the U.S. tax code that's called "527 political organization": These groups are not subject to the same contribution limits as PACs, so their donations are neither limited nor tracked.

Critics say that by this legal issue, wealthy individuals and big companies win too much influence on the question of who's able to run for president.¹⁹

4.4. Further problems

This part of the paper features a few more issues that occur when analysing the system but are not as striking as 4.1., 4.2. and 4.3..

First, in comparison to Germany, there are no residents' registration offices in the US, so voters will not be send necessary documents they need in order to go voting as soon as they are permitted to.

¹⁸ <https://www.usa.gov/election>

¹⁹ USA in Kürze Wahlen, p.40-43 and USA elections in brief, p. 69-70

Instead, they have to go through the “Register to vote” process by the US Vote Foundation which requires bringing their passport, drivers license, address and social insurance number. The whole process makes it more likely that citizens will not vote because of laziness.

Second, it can be considered unfair that not all Caucuses and Primaries take place at the same time because all those after the first Caucus in Iowa will be influenced by Iowa’s results. That means people may vote for a potential candidate not because they feel represented but because it’s the best strategic choice.

Third, the two party system impedes a proper representation of minorities since the two big parties try to focus on the needs and desires of the majority. Therefore candidates will mainly focus on topics that appeal to the majority of voters.²⁰

5. Elections in 2020

This last part of the paper will deal with the upcoming presidential election in 2020. Since Caucuses and Primaries have already begun, the most interesting and relevant topic seems to be potential presidential candidates and their chance to become the single nominee and probably president later on. For this purpose, I would like to examine some of the candidates.

5.1. Democratic candidates

According to several US election polls with one example of them being the Realclearpolitics poll,²¹ Joe Biden is the best-known Democratic candidate for the upcoming election. He’s a centrist from the party’s moderate wing. Furthermore, he’s an experienced politician since he has been the vice president under Obama administration from 2009 until 2017. In addition Biden has represented Delaware as senator for 36 years and ran for presidency in 1988 and 2008.²²

His big advantages as a candidate is his long-time political experience and his popularity amongst voters. However this also makes him vulnerable towards critics that argue about his former political career. Another disadvantage is due to his age: Deriving from the fact that he is even older than Trump, some Democrats claim that it would be better to choose a younger single nominee who points out a generational contrast to make Trump look too old and outdated. The fact that Obama (who should know him quite well after 8 years of cooperation) and the former NYC mayor stated that he might not be fitting well into the presidential office shows that his approval rates amongst Democratic colleagues are not really high.²³

Kamala Harris is the second candidate I would like to have a quick look at. Even though she is not too popular, she is a special candidate who is especially opposing to Trump’s policies. Like Biden she is a centrist, but a little bit more socialist. This can be seen in her main goals,

²⁰ USA elections in brief, p.18-35

²¹ https://www.realclearpolitics.com/epolls/2020/president/us/2020_democratic_presidential_nomination-6730.html

²² The Economist, Who will challenge Donald Trump in 2020?

²³ Süddeutsche Zeitung, November 29, 2019, p.3

such as Medicare for all, debt free college and a raise of minimum wage. Until now, she has been a senator for California since 2017 and also a former prosecutor.

At the moment her chances to become the single nominee are low due to a lack of popularity. But if Biden's approval rates drop further, she could be the one to make not only a generational contrast to Trump but in addition, she could be a symbol for an open-minded America that wants a young African American women instead of an old white man for president.²⁴

5.2. Republican candidates

It is very likely that Trump will be the Republicans single nominee in 2020, since his approval rates at least amongst republicans are extremely high and it's not very likely that the ongoing impeachment will divest him of office.

Still, there is a candidate who caught my attention because he's different to Trump: Bill Weld who is a fiscal conservative, but socially liberal, so he supports abortion rights, same-sex marriage and legalizing marijuana. He's a former governor of Massachusetts. Unfortunately, his chances to become a real competitor of Trump are very low due to not only his low popularity, but also because of switching party loyalty for a few times.

All in all, I believe that Trump will be a serious candidate for the 2020 election. He does not only enjoy big approval amongst his party that decided not to arrange Caucuses in several states because they want to show their support.²⁵ Also, according to current polls he would be winning an election in the most crucial Swing-States: Michigan, Pennsylvania, Wisconsin, Florida and North Carolina.²⁶ Still, I'm not sure if he will be returned to office because it's always a close race whose result can hardly be predicted.

²⁴ The Economist, Who will challenge Donald Trump in 2020?

²⁵ New York Times, Who are Trump's republican challengers?

²⁶ Süddeutsche Zeitung, November 29, 2019, p.3

6. Bibliography

Looking at the Literature, one could think *USA in Kürze Wahlen* and *USA elections in brief* would be the same book but the two differ in content since one of them is for American citizens and while the other is for Germans interested in the election process.

6.1. Literature

https://upload.wikimedia.org/wikipedia/commons/2/20/Usa_edcp_location_map.svg. (2019).

https://3.bp.blogspot.com/-0J9KM2HSNrw/WJ4EHY0piyl/AAAAAAAAAEaA/if_EEc_ickMSPunEf3_ArlQggvzkuhZfgCLcB/s1600/_94252526_us_govt_checks_balances_v02_624in%2B%2Bfrom%2BBC%2B2-10-207.png. (2019).

https://kids.kiddle.co/images/thumb/3/3d/Electoral_college_win_popular_vote_lost_US_Presidents.png/629px-Electoral_college_win_popular_vote_lost_US_Presidents.png. (2016).

<https://www.270towin.com/maps/bRgO>. (2019).

<https://www.clearias.com/election-process-of-us-president/>. (2019).

https://www.realclearpolitics.com/epolls/2020/president/us/2020_democratic_presidential_nomination-6730.html. (2019).

New York Times. (2019). <https://www.youtube.com/watch?v=X-pbEeHlojM>.

The Economist. (2019). <https://www.eiu.com/topic/democracy-index>.

The Economist. (2019). https://www.youtube.com/watch?v=DusjM-_Infk&list=WL&index=33&t=0s.

U.S. Department of State. (2019). *USA in Kürze Wahlen*. Berlin.

U.S. Department of State. (no date). *USA elections in Brief*. Washington, D.C.

USGovernment. (2019). <https://www.usa.gov/election>.

Zaschke, C. a. (29. November 2019). Die Panne der Woche. *Süddeutsche Zeitung*.